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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CERTAIN UNDERWRITERS AT
LLOYDS, LONDON,

Plaintiff(s),

v.

PALM CANYON DEVELOPMENT,
INC., et al.,

Defendant(s).

2:13-CV-421 JCM (PAL)

ORDER

Presently before the court is Magistrate Judge Leen's report recommending that defendant Palm Canyon's counterclaim be dismissed unless defendant retains new counsel and files a notice of appearance by November 27, 2013. (Doc. # 38).

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate

1 judge's report and recommendation where no objections have been filed. *See United States v.*
2 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
3 district court when reviewing a report and recommendation to which no objections were made); *see*
4 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
5 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
6 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
7 recommendation, then this court may accept the recommendation without review. *See, e.g.,*
8 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation
9 to which no objection was filed).

10 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
11 whether to adopt the recommendation of the magistrate judge. Not only has defendant failed to
12 object to the report and recommendation, it has also failed to retain new counsel and file a notice of
13 appearance. Upon reviewing the recommendation and underlying briefs, this court finds good cause
14 appears to ADOPT the magistrate's findings in full.

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the magistrate's report and
17 recommendation (doc. # 38) be, and the same hereby is, ADOPTED in its entirety.

18 IT IS FURTHER ORDERED that Palm Canyon's counterclaims (doc. # 29) are hereby
19 DISMISSED.

20 DATED February 3, 2014.

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22 
23 UNITED STATES DISTRICT JUDGE